

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 30-56 are pending in the present application, Claims 30, 34, 43, and 45 having been amended to correct minor informalities. Applicants respectfully submit that no new matter is added.

In the outstanding Office Action, Claims 30-33, 35-37, 42, and 49-56 were rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over Claims 1-9 of U.S. Patent No. 6,976,225; Claims 38, 39, 40, 41, and 43-48 were rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over Claims 1-9 of U.S. Patent No. 6,976,225 in view of Knowton (U.S. Patent No. 5,283,864) and Henckel (U.S. Patent No. 5,463,725); and Claim 34 was objected to for depending from a rejected base claim, but was otherwise indicated as including allowable subject matter.

In response to the double patenting rejection, a terminal disclaimer is filed herewith.

The filing of a Terminal Disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. The "filing of a Terminal Disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection." Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 U.S.P.Q.2d 1392 (Fed. Cir. 1991). Accordingly, Applicants filing of the attached disclaimer is provided for facilitating a timely resolution to prosecution only, and should not be interpreted as an admission as to the merits of the obviated rejection.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for formal allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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